

News from Ed Markey

United States Congress

Massachusetts Seventh District

FOR IMMEDIATE RELEASE

September 29, 2004

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MARKEY LANGUAGE TO IMPROVE SECURITY FOR NUCLEAR REACTORS AND TRANSPORT OF EXTREMELY HAZARDOUS MATERIALS IS ADOPTED ON 9-11 REPORT BILL

Washington, DC: Legislative language authored by Representative Edward Markey (D-MA), a senior member of the Select Committee on Homeland Security and the House Energy and Commerce Committee, was today adopted by the House Judiciary Committee during its mark-up of the 9-11 Recommendations Implementation Act. Because neither the Homeland Security Committee nor the Energy and Commerce Committee is considering the 9-11 legislation, the successful amendment to improve the security of nuclear reactors and the shipments of extremely hazardous materials was offered by Congressman Jerrold Nadler (D-NY), a senior member of the Judiciary Committee.

“Enough chlorine to kill 100,000 people in half an hour is often contained in a single rail tanker car going right through crowded urban centers, and a successful attack on a nuclear reactor could cause deaths, injury and enormous economic and environmental devastation,” said Rep. Markey. “We know that Al Qaeda wants to attack US nuclear facilities and use our chemical facilities and shipments as weapons against us. We need to do what we can to stop them.”

Securing shipments of extremely hazardous materials

Each day hundreds of thousands of shipments of extremely hazardous material travel through densely populated areas and near critical infrastructure. Last year, an Ohio-based Al Qaeda operative was arrested for plotting to collapse a bridge in New York City or derail a train in DC. He has since pled guilty.

In a hearing before the Select Committee on Homeland Security, Deputy Administrator of the Transportation Security Administration Stephen McHale informed Congressman Markey that even after the Department implements its plans to secure shipments of hazardous materials, deadly chemicals such as chlorine will still be allowed to travel as close to the U.S. Capitol Building as depicted in the attached photo.

The amendment offered by Congressman Nadler today is based on H.R. 4824, a bill authored by Congressman Markey. It requires the Secretary of Homeland Security to promulgate regulations that will require:

- physical security measures surrounding shipments of extremely hazardous materials, such as extra security guards and surveillance technologies
- pre-notification of extremely hazardous materials shipments for law enforcement authorities
- coordination between Federal, State and local authorities to create a response plan for a terrorist attack on an extremely hazardous materials shipment
- the use of currently available technologies to ensure effective and immediate communication between shippers of extremely hazardous materials, law enforcement authorities and first responders
- re-routing of shipments of extremely hazardous materials that currently travel through areas of concern (as defined by the Secretary) only if there is a safer route available, and only if the shipment's origination or destination is not located within the area of concern
- training for employees who work with extremely hazardous materials shipments.
- whistleblower protections for those disclosing violations of security rules or regulations.
- civil and administrative penalties for those who fail to comply with the regulations.

Securing Nuclear Facilities

The amendment offered by Congressman Nadler is based on language Congressman Markey included in H.R. 6, the Energy Bill. It calls for:

- The President, in consultation with the Nuclear Regulatory Commission (NRC) and U.S. defense and security agencies, to conduct a rulemaking within the next year to reassess the threat to its facilities, taking into account the events of September 11 (multiple coordinated teams of attackers, sophisticated knowledge of the reactor operations, insider threats, air or water-based attacks, large explosive devices, etc.), and to establish new regulations to ensure that facilities are ready for the revised threat.
- The NRC to design and implement anti-terrorist force on force exercises at each facility at least every 2 years to ensure that the facilities can be defended against a realistic threat (eliminating a nuclear industry-backed plan to replace this program with one that it designs and conducts, using personnel it hires).

“I am pleased that Congressman Nadler was able to attach an amendment to the Republican 9-11 bill that incorporates vital chemical shipment and nuclear security provisions that I have been fighting for for years. Republicans initially opposed the creation of the 9-11 Commission, threatened to allow its term to expire before the Commission's report was completed, and refused to call Congress back into session during the August recess so that we could move quickly to consider the Commission's recommendations. Now Republicans have put forward a bill that fails to fully implement these recommendations and breaks faith with the families of the 9-11 victims, who have worked courageously over the past three years to ensure that America closes the security

loopholes that left us vulnerable on September 11th. If Republicans in the House will not support a 'clean' 9-11 bill consistent with the Senate's 9-11 legislation introduced by Senators Susan Collins (R-ME) and Joe Lieberman (D-CT), then I urge the Republican Leadership to include the chemical and nuclear security provisions in the final version of its bill," Rep. Markey concluded.

